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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JUANITTA DARLYNN,

Plaintiff,

v.

DEPARTMENT OF THE AIR FORCE, ET. AL.,

Defendants.

Case No.: 2:17-cv-02800-JAD-VCF

ECF Nos. 58, 60

STIPULATION AND ORDER TO EXTEND STAY
(Seventh Request)

Plaintiff, Juanitta Darlynn (hereafter, "Plaintiff"), and Defendant, Department of the Air Force, et al. (hereafter, "Defendant"), by and through their respective counsel, stipulate and agree as follows:

1. Plaintiff has an open workers compensation case and in connection therewith requested an Independent Medical Examination (IME) on August 20, 2020. The insurer never responded to Plaintiff's request for an IME and on September 25, 2020, Plaintiff filed an appeal of the defacto denial of the request for an IME. That appeal was set for a hearing on February 23, 2021, and at the hearing, the Hearing Officer ordered the workers compensation insurer to approve and schedule the IME. The Order relating to that hearing was dated March 10, 2021.





1 2. On May 18, 2021, Plaintiff sent the insurer another request for an IME with Dr.
2 Thomas Shang. The insurer never responded to Plaintiff's request for that IME
3 and on June 22, 2021, Plaintiff filed an appeal of the defacto denial of the request
4 for an IME. That appeal was originally set to be heard by a Hearing Officer on
5 September 28, 2021, but the parties stipulated to waive the hearing before the
6 Hearing Officer level and proceed directly to the Appeals Officer level. The
7 Appeals Officer hearing was originally set for November 8, 2021 but was reset
8 to March 29, 2022. The parties have now agreed to resolve that matter by having
9 the employer's counsel stipulate to Plaintiff undergoing a Permanent Partial
10 Disability evaluation (hereafter "PPD") during which she will be evaluated and
11 her injuries apportioned. Progress has been made toward getting that stipulation
12 finalized. Attached as **Exhibit 1** is the most recent draft of the stipulation with
13 proposed changes from Plaintiff's workers compensation counsel and the initial
14 draft of that stipulation from the employer's counsel.

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18 3. The results of the PPD will be a factor in how potential future proceedings
19 regarding this matter will be conducted.

20 4. The parties hereto have agreed to extend the stay regarding this matter an
21 additional 120 days (until September 9, 2022) for Plaintiff to undergo a PPD.
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1 This is the seventh request to extend the stay in this matter and the extension is not
2 requested for the purpose of delay or to cause undue prejudice to any party.

3 DATED this 11th day of May, 2022.

DATED this 11th day of May, 2022.

4 **GGRM LAW FIRM**

5
6 */s/ William T. Martin*

/s/ Troy K. Flake

7
8 **DILLON G. COIL, ESQ.**

Nevada Bar No. 11541

9 **WILLIAM T. MARTIN, Esq.**

Nevada Bar No. 2534

10 2770 S. Maryland Pkwy., Ste. 100

Las Vegas, NV 89109

11 *Attorneys for Plaintiff*

12 **TROY K. FLAKE, ESQ.**

Assistant United States Attorney

501 Las Vegas Boulevard South, Suite 1100

Las Vegas, Nevada 89101

13 *Attorney for the United States*

14 **Order**

15 **IT IS SO ORDERED.** The STAY is extended until September 9, 2022.

16
17 DATED: 5-11-22

18 
19 U.S. DISTRICT COURT JUDGE



NEVADA'S PREMIER INJURY
LAW FIRM

EXHIBIT 1

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

In the Matter of the Contested
Industrial Insurance Claim

of

JUANITTA DARLYNN
4205 W TROPICANA AVE., APT. G1091
LAS VEGAS, NV 89103

Claimant.

Claim Nos.: 1154-WC-15-0500361
1154-WC-13-0500376
1154-WC-16-0500358

Appeal No.: 2203972-GP

Employer:

YELLOW CHECKER STAR CAB
5225 W. POST ROAD
LAS VEGAS, NV 89118

STIPULATION AND ORDER

IT IS HEREBY AGREED by and between the Claimant, JUANITTA DARLYNN (hereinafter referred to as "Claimant"), by and through his counsel of record, DAVID ROTHENBERG, ESQ. and GGRM LAW FIRM, the Administrator, CORVEL, and the Employer, YELLOW CHECKER STAR CAB, by and through its attorneys of record, DANIEL L. SCHWARTZ, ESQ., and LEWIS BRISBOIS BISGAARD & SMITH, LLP, that the disputed issues and contested matters involved in this appeal shall be resolved as follows:

1. That this is a contested worker's compensation claim and the parties are aware of the uncertainties, costs, delays and other hazards inherent in all contested workers' compensation cases, and the parties wish to avoid or minimize those hazards by way of this Stipulation and Order. The parties agree that this Agreement is in consideration of the extensive litigation and attorney's fees that have been incurred as a result of the past litigation and the ongoing future litigation that would occur absent this agreement.

2. That the issue before the Appeals Officer is a de facto denial of Claimant's counsel's May 18, 2021 request for an independent medical evaluation.

3. That the Claimant, JUANITTA DARLYNN, the Administrator, CORVEL, and the Employer, YELLOW CHECKER STAR CAB, agree to resolve this matter as outlined as follows.

4. That the parties understand and agree that by signing this Agreement, Stipulation, any and all issues currently before the Hearing or Appeals Officer are waived. Further, that the Claimant, JUANITTA DARLYNN, agrees to dismiss any pending litigation before the Hearing or Appeals Officers not covered by this Stipulation and Order.

5. That the parties understand and agree that by signing this Agreement, the Employer, YELLOW CHECKER STAR CAB, by its Administrator, CORVEL, shall schedule the Claimant, JUANITTA DARLYNN, for a permanent partial disability rating. The permanent partial disability rating will evaluate all accepted body parts (on each of the three claims) consisting of cervical spine, thoracic spine, lumbar spine, abdomen, trapezius, bilateral shoulders, left hip/groin, bilateral knees, left lower left calf ^{and vision loss.} The rating shall be done by either a ^{Legimately} mutually agreed upon rating doctor or the next doctor assigned from the DIR list. Upon receipt of the rating report, the Administrator shall issue a new determination concerning the percentage of impairment, if any, only with appropriate appeal rights.

6. The Claimant, JUANITTA DARLYNN, agrees that she is medically stable at this time and the claim is closed for all benefits except the rating evaluation and award, if any.

7. That the parties understand and agree that this Stipulation and Order is for the purpose of settling the above-captioned disputed worker's compensation claim appeal, not to avoid liability created by Chapters 616 or 617 of the Nevada Revised Statutes. The parties agree that this Stipulation and Order is a decision for purposes of NRS 616D.120.

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1 8. That all the parties hereto request that the Appeals Officer dismiss Appeal
2 Number 2203972-GP with prejudice pursuant to the terms of this Stipulated Agreement.

3 DATED this _____ day of April, 2022.

4 LEWIS BRISBOIS BISGAARD & SMITH LLP


6 By:

7 DANIEL L. SCHWARTZ, ESQ.
8 Nevada Bar No. 5125
9 2300 West Sahara Avenue, Suite 900
 Las Vegas, Nevada 89102
 Attorneys for Employer / Administrator

10 DATED this 28 day of April, 2022.

11 GGRM LAW FIRM

13 By:

14 
15 DAVID ROTHENBERG, ESQ.
16 Nevada Bar No.
17 2770 S. Maryland Pkwy, Ste. 100
18 Las Vegas, Nevada 89109
19 Attorneys for Claimant, JUANITTA
20 DARLYNN

21 DATED this 28 day of April, 2022.

22 CLAIMANT

23  on behalf of Claimant

24 By:

25 
26 JUANITTA DARLYNN

1 Stipulation and Order
2 Re: Appeal No. : 2203972-GP

3
4 **ORDER**

5 Based on the foregoing Agreement, and good cause appearing,
6 IT IS SO ORDERED that Appeal Number 2203972-GP is hereby dismissed with
7 prejudice.

8 DATED this _____ day of April, 2022.

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10
11 GARY PULLIAM, ESQ.
12 APPEALS OFFICER

13 Submitted by:

14 LEWIS BRISBOIS BISGAARD & SMITH LLP

15
16 By:

17 DANIEL L. SCHWARTZ, ESQ.
18 Nevada Bar No. 5125
19 2300 West Sahara Avenue, #900
20 Las Vegas, Nevada 89102
21 *Attorneys for Employer / Employer*

22 **NOTICE:** Pursuant to NRS 616C.345(1), should any party desire to appeal this final
23 decision of the Appeals Officer, a request for appeal must be filed with the District Court
24 within thirty (30) days after the date of the decision by the Appeals Officer.
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CERTIFICATE OF MAILING

The undersigned, an employee of the State of Nevada, Department of Administration, Appeals Division, does hereby certify that on the date shown below, a true and correct copy of the foregoing **STIPULATION AND ORDER** was duly mailed, postage prepaid OR placed in the appropriate addressee runner file at the Department of Administration, Hearing Division, 2200 South Rancho Drive, #220, Las Vegas, Nevada 89102 to the following:

DANIEL L. SCHWARTZ, ESQ.
LEWIS BRISBOIS BISGAARD & SMITH, LLP
2300 WEST SAHARA AVE., STE. 900
LAS VEGAS, NV 89102

DAVID ROTHENBERG, ESQ.
GGRM LAW FIRM
2770 S MARYLAND PKWY, STE. 100
LAS VEGAS, NV 89109

YELLOW CHECKER STAR CAB
ATTN: BETTY AZZURRO
5225 W. POST RD
LAS VEGAS, NV 89118

CORVEL CORPORATION
PO BOX 61228
LAS VEGAS, NV 89160-1228

JUANITTA DARLYNN
4205 W TROPICANA AVE., APT. G1091.
LAS VEGAS, NV 89103

DATED this ____ day of April, 2022.

An employee of the STATE of NEVADA



Daniel L. Schwartz
2300 W. Sahara Avenue, Suite 900, Box 28
Las Vegas, Nevada 89102
Daniel.Schwartz@lewisbrisbois.com
Direct: 702.583.6001

April 6, 2022

File No. 30456-567

David Rothenberg, Esq.
GGRM LAW FIRM
2770 S. Maryland Pkwy., Ste. 100
Las Vegas, NV 89109

RE: Claimant : Juanitta Darlynn
Employer : Yellow Checker Star Cab
Claim No. : 1154-WC-0500361, 1154-WC-0500376,
1154-WC-0500358
Appeal No. : 2203972-GP

Dear Mr. Rothenberg:

Attached for your review is the proposed Stipulation and Order regarding the above-referenced hearing. If it meets with your approval, please sign, have your client sign, and return to me for my signature and filing.

Thank you for your time and attention in this matter. If you have any questions or comments regarding this letter, please feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Daniel L. Schwartz', is written over a horizontal line.

Daniel L. Schwartz, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP

DLS:sj
Enclosure

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

In the Matter of the Contested
Industrial Insurance Claim

of

JUANITTA DARLYNN
4205 W TROPICANA AVE., APT. G1091
LAS VEGAS, NV 89103

Claimant.

Claim Nos.: 1154-WC-15-0500361
1154-WC-13-0500376
1154-WC-16-0500358

Appeal No.: 2203972-GP

Employer:

YELLOW CHECKER STAR CAB
5225 W. POST ROAD
LAS VEGAS, NV 89118

STIPULATION AND ORDER

IT IS HEREBY AGREED by and between the Claimant, JUANITTA DARLYNN (hereinafter referred to as "Claimant"), by and through his counsel of record, DAVID ROTHENBERG, ESQ. and GGRM LAW FIRM, the Administrator, CORVEL, and the Employer, YELLOW CHECKER STAR CAB, by and through its attorneys of record, DANIEL L. SCHWARTZ, ESQ., and LEWIS BRISBOIS BISGAARD & SMITH, LLP, that the disputed issues and contested matters involved in this appeal shall be resolved as follows:

1. That this is a contested worker's compensation claim and the parties are aware of the uncertainties, costs, delays and other hazards inherent in all contested workers' compensation cases, and the parties wish to avoid or minimize those hazards by way of this Stipulation and Order. The parties agree that this Agreement is in consideration of the extensive litigation and attorney's fees that have been incurred as a result of the past litigation and the ongoing future litigation that would occur absent this agreement.

2. That the issue before the Appeals Officer is a de facto denial of Claimant's counsel's May 18, 2021 request for an independent medical evaluation.

3. That the Claimant, JUANITTA DARLYNN, the Administrator, CORVEL, and the Employer, YELLOW CHECKER STAR CAB, agree to resolve this matter as outlined as follows.

1 4. That the parties understand and agree that by signing this Agreement,
 2 Stipulation, any and all issues currently before the Hearing or Appeals Officer are waived.
 3 Further, that the Claimant, JUANITTA DARLYNN, agrees to dismiss any pending litigation
 4 before the Hearing or Appeals Officers not covered by this Stipulation and Order.

5 5. That the parties understand and agree that by signing this Agreement, the
 6 Employer, YELLOW CHECKER STAR CAB, by its Administrator, CORVEL, shall schedule
 7 the Claimant, JUANITTA DARLYNN, for a permanent partial disability rating. The permanent
 8 partial disability rating will evaluate all accepted body parts (on each of the three claims)
 9 consisting of cervical spine, thoracic spine, lumbar spine, abdomen, trapezius, bilateral
 10 shoulders, left hip/groin, bilateral knees, left lower left/calf. The rating shall be done by either a
 11 mutually agreed upon rating doctor or the next doctor assigned from the DIR list. Upon receipt
 12 of the rating report, the Administrator shall issue a new determination concerning the percentage
 13 of impairment, if any, only with appropriate appeal rights.

14 6. The Claimant, JUANITTA DARLYNN, agrees that she is medically
 15 stable at this time and the claim is closed for all benefits except the rating evaluation and award,
 16 if any.

17 7. That the parties understand and agree that this Stipulation and Order is for
 18 the purpose of settling the above-captioned disputed worker's compensation claim appeal, not to
 19 avoid liability created by Chapters 616 or 617 of the Nevada Revised Statutes. The parties agree
 20 that this Stipulation and Order is a decision for purposes of NRS 616D.120.

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1 8. That all the parties hereto request that the Appeals Officer dismiss Appeal
2 Number 2203972-GP with prejudice pursuant to the terms of this Stipulated Agreement.

3 DATED this _____ day of April, 2022.

4 LEWIS BRISBOIS BISGAARD & SMITH LLP

6 By: _____

7 DANIEL L. SCHWARTZ, ESQ.
8 Nevada Bar No. 5125
9 2300 West Sahara Avenue, Suite 900
 Las Vegas, Nevada 89102
 Attorneys for Employer / Administrator

10 DATED this _____ day of April, 2022.

11 GGRM LAW FIRM

13 By: _____

14 DAVID ROTHENBERG, ESQ.
15 Nevada Bar No.
16 2770 S. Maryland Pkwy, Ste. 100
17 Las Vegas, Nevada 89109
18 *Attorneys for Claimant, JUANITTA*
19 DARLYNN

20 DATED this _____ day of April, 2022.

21 CLAIMANT

22 By: _____

23 JUANITTA DARLYNN

1 Stipulation and Order
2 Re: Appeal No. : 2203972-GP

3
4 **ORDER**

5 Based on the foregoing Agreement, and good cause appearing,
6 IT IS SO ORDERED that Appeal Number 2203972-GP is hereby dismissed with
7 prejudice.

8 DATED this _____ day of April, 2022.

9
10
11 GARY PULLIAM, ESQ.
12 APPEALS OFFICER

13 Submitted by:

14 LEWIS BRISBOIS BISGAARD & SMITH LLP

15
16 By:

17 DANIEL L. SCHWARTZ, ESQ.
18 Nevada Bar No. 5125
2300 West Sahara Avenue, #900
19 Las Vegas, Nevada 89102
Attorneys for Employer / Employer

20
21
22 **NOTICE:** Pursuant to NRS 616C.345(1), should any party desire to appeal this final
23 decision of the Appeals Officer, a request for appeal must be filed with the District Court
24 within thirty (30) days after the date of the decision by the Appeals Officer.